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February 2, 2012

Hon. Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Ronell Wilson
04 Cr. 1016 (NGG)

Dear Judge Garaufis:

In reply to the government's most recent filing, Dr. Welner's lay opinion about malpractice (even if we agreed with it which we do not) has no bearing on Mr. Wilson's Fifth and Sixth Amendment rights or on the Rule 12.2 arguments that we have made. Moreover, through the content of his letter (a public filing), the government is violating the confidentiality of the materials generated as a result of the prior, withdrawn 12.2 notice, and evidencing the very taint concerns that we have identified. We reserve our right to request a Kastigar hearing based on the communications the prosecutors have had to date with the previous government experts. We ask the Court to forbid further communications until it has ruled on our cross-motion to preclude these experts from participating in any way in the Atkins investigation and hearing. We also request oral argument on all of the issues raised in the parties' filings.

Respectfully submitted,



David Stern

cc: Colleen Brady, Esq.
Beverly Van Ness, Esq.